BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR

W.P. 52 /2001

PETITIONER : Rameshwar Pandey S/o Tokedar Pandey aged 48 years R/o Q.No. 155 Camp-I Tata Nagar Bhilai Durg (Chhattisgarh)

P.R. No. 66/1
Presented by Shri ... Adv.
dated 11-1-2001

VERSUS

RESPONDENT : 1. Union of India
through President of India
New Delhi .

2. H.S.C.L.
through Asstt. General
Manager (Personal)
Corporate Personal Department
CALCUTTA 71

3. Senior Manager (I/C)
H.S.C.L. Bhilai

PETITION UNDER ARTICLE -226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS IN THE NATURE OF MANDMUS /CERTIDRAR AND OTHER SUTTABLE DIRECTION OR DIRECTIONS OR ORDERS

XI-HC-22

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

(18)

आदेश पत्रक

मामला क्रमांक WP 57/2001 सन् 199

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16.1.2001 :

Mr. T.K. Tiwari for the petitioner.

The petitioner is aggrieved by notice received by him which was issued by Assistant Manager, respondent no.2 stating that he shall be retired with effect from 20.1.2001 on attaining the age of superannuation. It is the case of the writ petitioner that the age of superannuation was 60 years which is now sought to be rolled-back from 60 years to 58 years by a subsequent order issued on 18.12.2000 The said circular reads thus :-

> "Pursuant to the directive of the Government of India Ministry of Steel, New Delhi, vide OM No. 10 (30) /2000 HSM dt.15.12.2000, age of superannuation has been rolled back from 60 years to 58 years. Appropriate action is initiated for the retirement of the employees of the company who have already attained the age of 58 years or shall be attaining the same by January, 2001.
>
> This issue with approval of the Competent Authority."

No grievance has been taken as regards issuance of the above circular. It is a matter of policy taken by the competent authority. Learned counsel for the petitioner submits that effect of the circular has been directed only against the

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[पीछे देखिये

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ..2...	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

writ petitioner and not against any other person who are similarly situated. It appears that this submission can not be taken into consideration in view of the fact that the circular issued by the competent authority has not been assailed and is indeed unassailable, in as much as it relates to the policy to be taken by the competent authority. As a matter of fact, the writ petitioner has attained the age of 58 years sometime in February, 2000. By this date writ petitioner is almost 59 years of age. Though it is stated at the bar by the learned counsel for the petitioner today that an application regarding the date of birth of the petitioner is pending before the labour court, that matter is not an issue before this Court.

In the light of the facts highlighted in this petition and on perusal of documents placed on record and also after hearing learned counsel for the petitioner, I am of the view that no case has been made-out for interference by this Court under Article 226 of the Constitution of India.

Accordingly the petition is dismissed.

Sd/-
Chief Justice

Jyotishi